

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 09-20491
)
SHAWN BANKS,)
)
Defendant.)

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION AND
DENYING DEFENDANT'S MOTION TO SUPPRESS

Before the Court is the June 28, 2010 Motion to Suppress filed by Defendant Shawn Banks ("Banks") (Mot. to Suppress Statements with Incorporated Mem. of Law, ECF No. 49) and the November 17, 2010 Report and Recommendation of the Magistrate Judge (Report and Recommendation, ECF No. 71). The Magistrate Judge recommends that the Court deny Banks' Motion to Suppress. (Report and Recommendation 1-2, 17.)

"It is well-settled that upon proper objection by a party, a district court must review de novo a magistrate judge's ruling on a motion to suppress." United States v. Quinney, 238 F. App'x 150, 152 (6th Cir. 2007) (citations omitted). However, the district court need not review-under a de novo or any other standard-those aspects of a magistrate judge's report and recommendation to which no specific objection is made. See

Thomas v. Arn, 474 U.S. 140, 149-50 (1985); United States v. Robinson, 352 F. App'x 27, 28-29 (6th Cir. 2009). "As long as a party was properly informed of the consequences of failing to object, the party waives subsequent review by the district court . . . if it fails to file an objection." Miller v. Currie, 50 F.3d 373, 380 (6th Cir. 1995) (citations omitted).

Here, the Magistrate Judge filed the Report and Recommendation on November 17, 2010. (Report and Recommendation 17.) At Banks' request, the Court extended the deadline for him to file objections to December 16, 2010. (See Mot. to Expand Time to File Objections to Report and Recommendation 1-2, ECF No. 73; Order 1, ECF No. 74.) On December 15, 2010, Banks filed a second motion for an extension of time to file objections. (See Second Mot. to Expand Time to File Objections to Report and Recommendation 1-2, ECF No. 75). The Court granted that motion on December 16, 2010, and gave Banks an additional fourteen days to file objections. (See Second Order 1, ECF No. 76.) Banks did not file objections or request an extension of time within that fourteen-day period.

The period for filing objections has expired. See 28 U.S.C. § 636(b)(1) (stating that a party must file any objections to a magistrate judge's report within fourteen days of service); W.D. Tenn. Civ. R. 72.1(g)(2) (stating that a party may file and serve written objections to a magistrate judge's

report within fourteen days of service). The Report and Recommendation notified Banks that failure to file objections within fourteen days of service might constitute waiver of his objections. (See Report and Recommendation 17.) Banks recognized the fourteen-day deadline in his motions. (See Mot. to Expand Time to File Objections to Report and Recommendation 1; Second Mot. to Expand Time to File Objections to Report and Recommendation 1.)

Banks had proper notice of the deadline for objecting and the consequences of failing to do so. See Miller, 50 F.3d at 380. Therefore, the Court will adopt the findings and conclusions of the Magistrate Judge's Report and Recommendation. See Thomas, 474 U.S. at 149-51; see also United States v. Buckhanon, No. 09-20060-JPM-dkv, 2010 WL 2775858, at *1 (W.D. Tenn. July 14, 2010) (adopting a magistrate judge's report on a motion to suppress in its entirety where a defendant failed to file timely objections).

For the foregoing reasons, the Court ADOPTS the Report and Recommendation of the Magistrate Judge and DENIES the Motion to Suppress.

So ordered this 13th day of January, 2011.

s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE